

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE, EASTERN DIVISION

DEBBIE BARRETT;
CRYSTAL WALFORD;
SONJA LEFLER; SHARON SKUFCA;
MISTY YERBY; DANA MCFALL;
SHEILA WILKERSON; VALERIE
KINNEY; RHONDA KELLEY;
BRANDON GARRARD; GREGORY
CHERRY; BRIAN BOERSMA; MICHAEL
RISNER; JEREMY HURST; and JAMES
CUMMINGS,

Plaintiffs

v.

No.: 1-05-10040-T/AN

HARDIN COUNTY, TENNESSEE,

Defendant.

CONSENT ORDER CERTIFYING CLASS ACTION

This cause came to be heard upon Plaintiffs' "Unopposed Motion to Certify Class Action for Declaratory and Injunctive Relief."

IT APPEARING TO THE COURT, that the parties agree to the following:

1. The number of persons incarcerated in the Hardin County Jail changes, and is so numerous that joinder of all members is impractical.
2. There are questions of law and fact common to the class, namely whether the conditions in the Hardin County Jail violate the Eighth and Fourteenth Amendments to the United States Constitution, and Article I §32 of the Tennessee Constitution.
3. The claims of Plaintiffs will be typical of the claims of the class.
4. Plaintiffs will fairly and adequately represent the members of the class.

FILED BY 4 D.C.
05 JUL 23 AM 7:59
ROBERT R. DI TROIA
CLERK OF U.S. DIST. CT.
WD OF TN-JACKSON

6

5. A class should be certified under Federal Rule of Civil Procedure 23(b)(2) since Hardin County has acted on grounds generally applicable to the class, thereby making appropriate final injunctive relief and corresponding declaratory relief, if any, with respect to the class as a whole.

IT FURTHER APPEARING TO THE COURT, that a class should be certified in accordance with Federal Rules of Civil Procedure 23(b)(2), and defined as:

All persons who are presently, or in the future will be,
incarcerated in the Hardin County Jail

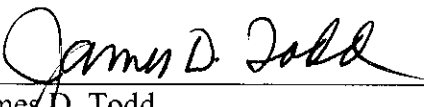
IT FURTHER APPEARING TO THE COURT, that the parties agree that the class certification is for declaratory and injunctive relief only. By entering this consent order, Defendant Hardin County is not admitting to liability or Plaintiff's entitlement to declaratory or injunctive relief.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED, by consent that:

1. This case is certified as a class action, for purposes of declaratory and injunctive relief only, in accordance with Rule 23(b)(2) of the Federal Rules of Civil Procedure.
2. The class is defined as:

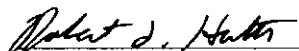
All persons who are presently, or in the future will be,
incarcerated in the Hardin County Jail

It is so ordered, this 22nd day of June, 2005



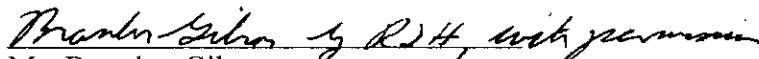
James D. Todd
United States District Judge

We Consent:



Robert L. Hutton
Glankler Brown, PLLC
1700 One Commerce Square
Memphis, Tennessee 38103

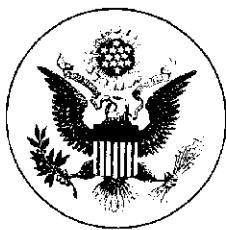
Attorney for Plaintiffs



Ms. Brandon Gibson
106 Stonebridge Boulevard
Jackson, Tennessee 38305

Attorney for Hardin County

F:\CLIENTS\Hardin County Inmates (17115)\Hardin County Jail (39244)\Pleadings\Consent Order Certifying Class Action.doc



Notice of Distribution

This notice confirms a copy of the document docketed as number 6 in case 1:05-CV-01140 was distributed by fax, mail, or direct printing on June 23, 2005 to the parties listed.

Brandon O. Gibson
PENTECOST GLENN & RUDD, PLLC
106 Stonebridge Blvd.
Jackson, TN 38305

C. Barry Ward
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Robert L. Hutton
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Honorable James Todd
US DISTRICT COURT